

Application No. 10/673,807
Amendment dated 07/10/2006
Office Action of April 10, 2006

02-ASD-272 (EM)

REMARKS

§ 103(a) rejections

The following remarks place this application in condition for allowance or in the alternative in better form for appeal. Entry of this response is therefore respectfully requested.

Claims 1-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admitted Prior Art ("the APA") in view of German patent DE 3210377 to Muller et al. ("Muller"). Applicant respectfully traverses this rejection.

The Examiner admitted that the APA fails to show disposing a capsule filled with sealant, but asserted that Muller shows disposing a capsule of curable viscous sealant for sealing the pocket. Applicant respectfully traverses this rejection.

There is no suggestion to combine the APA with Muller because, contrary to the Examiner's assertion, the adhesive cap 10 in Muller is not squeezed with the structural members like the claimed invention. Muller teaches placing an adhesive-filled cap 10 in a passage 8 and then using a stamp 11 at the tip of a cylindrical drill 12 to press against the cap 10 and break it open to release the adhesive. Figure 3 in Muller does show a cap 17 that is surrounded by the seal 3 and that is broken by applying a load to the seal 3, but Muller clearly states that the cap 17 must rest on the cylinder block 1. It appears that Muller requires a portion of the cap to rest against a rigid surface, such as the stamp 11 or the cylinder block 1 itself, so that the rigid surface can apply enough resistance against the load to break the cap. One of ordinary skill in the art would not have incorporated any type of cap shown in Muller between a plurality of gaskets like the claimed method because, as is known in the art, gaskets are made of resilient material. From Muller's teachings, one of ordinary skill would have believed that placing the cap between a plurality of gaskets like the claimed invention would provide insufficient force to break the cap. Thus, nothing in the proposed combination suggests placing a capsule between adjoining gaskets.

Further, nothing in Muller suggests forming the cap so that it contains sufficient viscous sealant to seal a pocket between gaskets because such a capsule would be larger than any cap contemplated by Muller. All of the embodiments shown in Muller show a cap

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that holds just enough adhesive to fill a very limited, localized space to hold the retaining plate 6 in place on the cylinder, not a larger volume pocket formed by adjoining gaskets between structural members.

Further, the liquid in the cap in Muller is only a thin adhesive to anchor the seal 3 and not a viscous sealant. In fact, Muller contemplates using the cap to replace a contact adhesive with a removable silicone paper backing, further indicating that the cap is filled with a thin adhesive rather than a viscous sealant. Thus, nothing in the proposed combination suggests using a capsule filled with viscous sealant sufficient to substantially seal a pocket between corresponding gaskets.

Because the proposed combination does not suggest placing a capsule of viscous sealant (as opposed to thin adhesive) in a pocket formed between corresponding gaskets and squeezing the capsule between the gaskets (as opposed to between one gasket and a rigid member) with the structural members, the Examiner fails to establish a prima facie case of obviousness with respect to claims 1-6. Withdrawal of the rejection is therefore respectfully requested.

Claims 7 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the APA and Muller and further in view of U.S. Patent No. 5,853,030 to Walding and U.S. Patent No. 5,149,108 to Leiszter. Applicant respectfully traverses this rejection. Claims 7 and 8 depend on patentable independent claim 1 and are therefore patentable for the reasons explained above. Withdrawal of the rejection is therefore respectfully requested.

Claims 1-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the APA and further in view of U.S. Patent No. 3756635 to Beers ("Beers"), U.S. Patent No. 4,514,125 to Stol ("Stol"), and U.S. Patent No. 5,888,334 to Abraham ("Abraham"). Applicant respectfully traverses this rejection.

As noted above, the Examiner admitted that the APA fails to teach disposing a capsule of curable viscous sealant and squeezing the capsule to dispense the sealing to seal a pocket between corresponding gaskets, but asserted that the collective teachings of Beers, Stol, and Abraham render the claimed invention obvious. Applicant respectfully disagrees.

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Contrary to the Examiner's assertion, Beers does not show any capsule filled with viscous sealant. Instead, Beers shows a dowel pin with adhesive-filled cylinders 21, 22 and respective pistons 24, 25 that form an interference fit. Unlike the claimed invention, the adhesive is not a viscous sealant, nor does it fill any pocket. Instead, the adhesive in Beers must be thin to flow past the interference fit (Figure 3; col. 4, lines 3-26). Moreover, Beers structure teaches away from filling a pocket because it states that the pistons 24, 25 bottom out against the inner ends of their respective cylinders 21, 22 (col. 4, lines 30-40). Nothing in Beers suggests a capsule filled with viscous sealant designed to seal a pocket between corresponding gaskets.

Similarly, the adhesive in Stol is designed to anchor a fastener. As shown in Figure 2, the adhesive is not a viscous sealant because it must flow freely around the fastener. Thus, nothing in Stol suggests the claimed sealant filled capsule, much less one that contains enough sealant to seal a pocket formed by a plurality of gaskets. Abraham addresses the same problem as Stol and exhibits the same limitations by requiring the adhesive (not sealant) to be thin enough to flow around the fastener.

Because Beers, Stol and Abraham all fail to suggest a capsule filled with a viscous sealant that can substantially seal a pocket formed by corresponding gaskets, the Examiner fails to establish a prima facie case of obviousness with respect to claims 1-6. Withdrawal of the rejection is therefore respectfully requested.

Claims 7 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the APA and Beers, Stol and Abraham and further in view of Walding and Leiszter. Applicant respectfully traverses this rejection. Claims 7 and 8 depend on patentable independent claim 1 and are therefore patentable for the reasons explained above. Withdrawal of the rejection is therefore respectfully requested.

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The Commissioner is hereby authorized to charge any fees which may be required
or credit any overpayment to Deposit Account No. 05-0275.

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Respectfully submitted,



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